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SEALED

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19 SEP -6 2019

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ETHAN ELLIOT ERHARDT ,

Defendant.

Magistrate No. **2:19-MJ-00672-EJY**

APPLICATION TO SEAL

COMES NOW the United States of America, by and through Nicholas A. Trutanich, United States Attorney, and Christopher Burton, Assistant United States Attorney, respectfully moves this Honorable Court for an Order sealing the Complaint, this Application, and the Court's Sealing Order, in the above-captioned matter, until such time as this Honorable Court, or another Court of competent jurisdiction, shall order otherwise.

In this case, an order to seal the Complaint is appropriate because the attached Affidavit relates to an ongoing criminal investigation into violation of Providing False or Fictitious Information when Buying Firearms from a Federal Firearms Licensee, 18 U.S.C. § 922(a)(6) and 924(a)(2), that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to

1 believe that disclosure of the information will jeopardize the investigation, including by giving
2 the Defendant an opportunity to further evade capture or continue his flight from prosecution,
3 which would thereby put law enforcement lives at risk during the attempt to effectuate the
4 arrest warrant. Additionally, disclosure of the information would give the Defendant an
5 opportunity to destroy valuable information regarding the underlying prosecution from which
6 the Defendant is fleeing.

7 Specifically, on September 5, 2019, the Defendant called the ATF Las Vegas Field
8 Office and demanded the return of the firearms seized on February 19, 2019, as well as
9 demanded information regarding the investigation. When ATF agents refused to discuss the
10 matter over the phone with the Defendant, he thereafter sent text messages to the ATF agents
11 indicating he would go to their personal homes if they did not speak with him about the
12 investigation. The Defendant thereafter posted on social media that he "hoped" to "catch" the
13 investigating ATF agents in public. Given the threatening tone of these statements, the
14 Complaint should be sealed to avoid alerting the Defendant and increasing the potential that he
15 will flee or resist arresting officers.

16 DATED this 5th day of September, 2019.

17
18 Respectfully submitted,
19 NICHOLAS A. TRUTANICH
20 United States Attorney

21 
22 CHRISTOPHER BURTON
23 Assistant United States Attorney
24

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Magistrate No. 2:19-MJ-00672-EJV

RECEIVED THE SECRETARY OF THE ARMY
WASHINGTON, D. C. 20315

ORDER TO SEAL

Defendant.

DATED this 6th day of Sept, 2019.

Erlyna Joubert
UNITED STATES MAGISTRATE JUDGE